

Citizen Charter Review Committee

January 7, 2010

5:30 p.m.

Leon County Courthouse

Commission Chambers, 5th floor

- I. Call to Order
- II. Invocation and Pledge
- III. Roll Call
- IV. Approval of Minutes of Previous Meeting
 - 1. December 17, 2009 Meeting Minutes
- V. Reports of Chairperson
- VI. Presentations by Invited Guests/Consultant
 - a. Mayor John Marks, City of Tallahassee
 - b. Commissioner Debbie Lightsey, City of Tallahassee
- VII. Remarks of Interested Citizens
- VIII. Unfinished Business
- IX. New Business
 - 1. Charter Issues
 - a. Functional Consolidation
 - b. Countywide Stormwater Standards/Environmental Policy
 - c. Voluntary Annexation
 - d. Charter/Constitutional Officers
 - 2. Staff/Consultant Discussion (Pertinent Updates)
 - a. Identification of Additional Charter Issues
 - 3. Member Discussion (Direction to Staff/Consultant)
- X. Adjournment with Day Fixed for Next Meeting

*The next meeting of the Citizen Charter Review Committee is scheduled for Thursday,
January 14, 2010*

I.

CALL TO ORDER

II.

INVOCATION AND PLEDGE

III.

ROLL CALL

IV.

APPROVAL OF MINUTES OF PREVIOUS MEEINTG

**Leon County
2009-2010 Citizens Charter Review (CRC)
Committee
December 17, 2009**

Attending: Chris Holley (Chair), Marilyn Wills, David Jacobsen, Linda Nichol森 Donna Harper, Jon Ausman, Ralph Mason, Catherine Jones, Lester Abberger, Lance deHaven-Smith, Sue Dick and Larry Simpson. Absent were Chuck Hobbs, Tom Napier, and Rick Bateman. Also attending were Herb Thiele, Patrick Kinni, Kurt Spitzer, Shington Lamy and Rebecca Vause

I. Call to Order

Chairman Holley called the meeting to order at 11:35 a.m.

II. Invocation and Pledge

The invocation was provided by Ralph Mason. Chairman Holley then led the Pledge of Allegiance

III. Roll Call

The roll was conducted by Shington Lamy; who confirmed a quorum was present.

IV. Approval of Minutes of Previous Meeting

Lester Abberger moved, duly seconded by Lance de Haven Smith, to approve the December 10, 2009 minutes. The motion carried unanimously.

V. Reports of Chairperson

Chairman Holley shared that, in an attempt to receive more public participation into the process, letters were mailed to various neighborhood associations to make them aware of the January 7, 2010 CRC meeting. He noted that he had held a meeting with the City Manager and a copy of the County's Issue Agenda, as it currently exists, was shared. An invitation was extended for her to attend the January 7 (and any other) meeting. He is hopeful that City participation will occur.

VI. Presentations by Invited Guests/Consultant

1. Presentation by Constitutional Officers

a. **Property Appraiser:**

Leon County Property Appraiser Bert Hartsfield utilized a power point presentation to share information regarding his office. Highlights of his presentation included:

- First County to develop a searchable database (www.leonpa.org);
- Breakdown of 2009 Just and Taxable Values:
 - \$25.8 billion (100% Just Value)
 - \$11.2 billion (43% Exempt Value)
 - \$14.6 billion (57% Taxable Value)
- Average home price \$214,000 in 2006 compared to \$187,000 in 2009;
- Qualified sales have decreased from 15,000 in 2005 to 2,212 in 2009;
- State Oversight includes: Roll Approval; Auditing and Budget Approval;
- Budget can be appealed to Governor and Cabinet;
- Duties include – locate, identify and appraise all property in Leon County; administer all exemptions and classifications; provide assessment roll and taxable value, and files with the Dept. of Revenue (DOR) three times yearly for roll approval and audits;
- Utilizes technology to provide better customer service;
- Established partnerships with City and County resulting in improved relationships

- and efficiencies, and
- External audits are conducted annually as required by Florida law.

He concluded that the existing Charter is operating effectively with regard to his office and the continuation of a separate elected property appraiser for Leon County will ensure excellent customer service, as well as fair, accurate and unbiased determination of taxable values.

Chairman Holley established with Mr. Hartsfield that he favored non-partisan elections.

Jon Ausman inquired of any issue he would like to see addressed in the Charter. Mr. Hartsfield responded that any effort to make the ad valorem process easier to understand would be appreciated.

b. Sheriff:

Leon County Sheriff Larry Campbell provided an overview on the mission, scope and organization of his office. A summary of his presentation follows:

- Constitutional Officers are independent and are directly accountable to the people;
- Functions include: law enforcement, judicial/court services, and jail;
- Special functions include: emergency management, homeland security and enhanced 9-1-1;
- Serves as chief law enforcement officer in Leon County and provides a wide array of services to citizens and the judicial system, in addition to operation of County Jail;
- Accredited Law Enforcement & Corrections Sections;
- Numerous community partnerships established;
- Core Values;
- Patrol Zones;
- Jail: average daily population of 1,050 inmates and 12,000 monthly visitors;
- Sheriff's Work Camp: inmates worked a total of 1,221,330 (2004-2009) hours for a total savings of \$9.5 million to the community;
- 14 total new employees added since 2000;
- Approved 2009/2010 approved budget of \$60.5 million (\$31.1 million law enforcement and \$29.4 million corrections), and
- Employees 630 full time employees.

Sheriff Campbell asserted the importance of independence and reminded the Committee that upon development of the original Charter constitutional officers were assured they would not be affected. He affirmed his support for consolidation of law enforcement agency.

Mr. Ausman inquired if the Charter should address the management of the jail and annexation. Sheriff Campbell responded that jail management has been outsourced in other areas with little success and would like to make it where annexation is not necessary. Sheriff Campbell cited areas of jurisdictional difference between the LCSO and TPD.

Mr. Lance deHaven Smith asked if MSTUs are lost when annexation occurs and learned that law enforcement does not utilize MSTUs.

Chairman Holley asked Sheriff Campbell's opinion on partisan vs. non-partisan elections and established that the Sheriff favored that the elections process remain in its current form.

c. Supervisor of Elections

Leon County Supervisor of Elections Ion Sancho indicated that a copy of his presentation

had been provided to the Committee.

Mr. Sancho opined that the cost of elections is “sky rocketing” due primarily to state and federal mandates. He shared that in 2007 the State banned the types of voting systems used for disability voters and directed that these units be replaced by 2012 at a cost to Leon County of \$1-3 million dollars. His office in conjunction with the Florida Association of Supervisor of Elections, the Florida Association of Counties and other municipal groups are working to convince the State that the change is not necessary. He reported that his office is recognized nationally as one of the best offices in the nation.

Mr. Sancho noted that his office attempts to minimize their costs by utilizing County and Clerk resources; resulting in the elimination of four positions within his office. He mentioned that his office is in need of additional office, training and warehouse space and the County has agreed to budget for a facility after the 2010 elections cycle.

Mr. Sancho informed the Committee that the 2002 Charter created a non partisan Supervisor of Elections Office. Chairman Holley confirmed with Mr. Sancho that the current election process designates a party affiliation for other Constitutional Officers, but does not for County Commission races. Mr. Sancho stated that he favored partisan elections for the County Commission and offered that party affiliation contains information about policies, practices and behaviors of candidates and added that his offices fields hundreds of calls asking the party affiliation of candidates of non-partisan elections. In summary, Mr. Sancho stated that citizens should access to all information pertinent to a candidate.

At this time, Chairman Holley asked Mr. Sancho to remain for questions by the Committee.

Mr. Ausman opined that an electoral system should: 1) result in higher voter turnout per 1,000 votes; 2) lower campaign costs; 3) increase electoral competition, and 4) ensure representation of all elements of the community. Mr. Sancho commented that the four criteria were very appropriate and suggested that access to the system should not be difficult, confusing or put legal or administrative barriers that are unnecessary for civic participation also be considered.

Mr. Ausman distributed four handouts to Mr. Sancho and the Committee entitled: 1) Leon County Election Turnout Statistics ('00-'08); General Election Roll Off Differences Between Partisan and Non-Partisan (96-08); County Commission Campaign expenditure data, and 4) Peer City Review of Legislative Governments. Considerable dialogue ensued between Mr. Ausman and Mr. Sancho on this information, which included the electoral process, partisan vs. non-partisan elections, and district sizing.

In response to Mr. Ausman's request for a recommendation on district size and the number of seats on the Commission, Mr. Sancho indicated that he was hesitant to make such a statement; however, did acknowledge that small jurisdictions/districts does reduce the cost of an election campaign.

Mr. Lance deHaven Smith requested a point of order and expressed frustration by the presentation by Mr. Ausman. He asked for the consideration of the Committee that members reserve themselves so that other members are allowed to ask questions and comment on issues.

Mr. deHaven Smith established with Mr. Sancho that Florida elections are not audited and that Florida Law, after 2006, presumes that all machine read ballots are correct and thus cannot be recounted.

In response to Dave Jacob's inquiry, Mr. Sancho offered that he favored a five percent petition threshold.

VII. Remarks of Interested Citizens

- Alan Rollins, 2833 Green Forest Lane, requested that the fair elections campaign process be agendaed and discussed at a future CRC meeting.
- Samuel Neimeiser, 3518 Lands End Lane, student at FAMU, advocated for more districts and identification of party affiliations; with the exception of the Supervisor of Elections.
- Jacob Eaton, 2626 E. Park Avenue, student at FAMU, requested that the system be changed to allow the identification of party affiliations. He also expressed concern over the lack of minority representation on the County Commission.

Ms. Donna Harper asked for a Point of Order wanting to make certain that rules adopted by the CRC are followed.

VIII. Unfinished Business

IX. New Business

1. Charter Issues

- a. Petition Threshold: deferred until January 10, 2010 meeting.
- b. Non-Partisan Elections: Mr. Spitzer mentioned that an alternative was to keep the same non partisan system, but identify party affiliations on the ballot. He offered that non partisan elections typically preclude a second primary, thus reducing the cost. Mr. Spitzer added that this process would not preclude voters from voting for any candidate as voters would not have to vote within their registered party affiliation.

Mr. Sancho provided that that for party affiliations are not allowed to be listed on the ballot and candidates are prohibited from indicating party affiliation on campaign literature. Mr. Spitzer articulated that Duval County lists party affiliations on their ballots utilizing a non-partisan system.

Mr. Ralph Mason expressed concern over the August primaries as the student population is lessened during this time. He pointed out that voter turn out is higher in the General Elections and favored the closing of August primaries. Mr. Mason expressed support for partisan elections.

Ms. Harper suggested that an attorney who specializes in election law be present during these discussions. Mr. Kinni remarked that staff be directed to review an issue on a case by case basis to provide input and recommendations. Chairman Holley pointed out the inconsistency whereby a Florida County (Duval) places party affiliation without it being a partisan election.

Chairman Holley remarked that a lot of information had been shared and suggested that the issue be deferred until the January 10, 2010 meeting. This suggestion was accepted by the Committee.

- c. Board of County Commission Chairman Position: deferred until January 10, 2010 meeting.
- d. County Commission Districting Scheme: deferred until January 10, 2010 meeting.

Mr. Mason suggested that, in the future, materials to be shared with the Committee be e-mailed to Shington Lamy for distribution prior to a meeting to allow time for review. Chairman Holley accepted the recommendation and asked that members comply

Chairman Holley recapped the upcoming meeting schedules:

- January 7, 2010 - Full/Functional Consolidation, Countywide Stormwater Standards/ Environmental Ordinances, Annexation, and Charter Officers/Constitutional Officers
- January 14, 2010 - Petition Threshold, County Commission Chairman Position, Districting

Scheme and Non Partisan Elections.

Ms. Harper clarified the procedure to be used for information gathering, general discussion and debate of items. Chairman Holley indicated that he intended for each issue to be addressed, questioned, debated and a decision made at that time on moving the issue forward to the next agenda. Ms. Harper remarked that more time may be needed to address the issues thoroughly.

There was discussion on the length, time and structure of the meetings.

2. Staff/Consultant Discussion (Pertinent Updates)

Mr. Spitzer shared that information requested as a result of the Clerk's presentation (audit) can be scheduled for January 7, 2010 meeting. He also mentioned that there some outstanding administrative items, such as the non interference clause, etc. Chairman Holley asked that these issues be summarized for the next meeting. Mr. Spitzer indicated that this would be provided.

Mr. Jacobs established that public comment on the January 7 meeting would not be limited to agendaed items.

Ms. Dick mentioned that any information that can be provided to the Committee on redistricting prior to the January 14 meeting would be beneficial. Chairman Holley indicated that the issue of redistricting (from 5-2 to 4-3) has not been completed vetted and is open to other concepts.

d. **Adjournment with Day Fixed for Next Meeting**

The next meeting of the Citizen Charter Review Committee is scheduled for Thursday, January 7, 2010 at 5:30 p.m.

There being no further business, Chairman Holley adjourned the meeting at 2:20 p.m.

Christopher Holley, Chair

Bob Inzer, Clerk of Court

V.

REPORTS OF CHAIRPERSON

VI.

PRESENTATIONS BY INVITED GUESTS/CONSULTANT

- a. Mayor John Marks, City of Tallahassee**
- b. Commissioner Debbie Lightsey**

VII.

REMARKS OF INTERESTED CITIZENS

VIII.

UNFINISHED BUSINESS

IX.

NEW BUSINESS

IX. (1): Charter Issues

- a. Functional Consolidation**
- b. Countywide Stormwater Standards/Environmental Policy**
- c. Voluntary Annexation**
- d. Charter/Constitutional Officers**



MEMORANDUM

TO: Leon County Charter Review Committee
FROM: Kurt Spitzer
DATE: January 4, 2010
RE: January 7th Meeting Materials

The purpose of this Memorandum is to provide the Charter Review Committee (CRC) with background information on the subject matter scheduled for your meeting of January 7, 2010. You have identified the following issues for discussion:

- ♦ Functional consolidation
- ♦ Countywide stormwater or environmental policies
- ♦ Charter/Constitutional county officers

The subject of voluntary annexation was addressed in a previous Memorandum to the CRC.

Functional Consolidation

The Florida Constitution provides that full *governmental* consolidation may be proposed only by special law of the legislative delegation that is thereafter subject to the approval of the electors of the county. Thus, full consolidation of the city and county are not within the purview of the Charter Review Committee.

However, the Constitution also provides that a function or power of a city may be transferred to a county (i.e. *functional* consolidation) by law, or by the adoption of a resolution of both governing bodies and approval of a charter amendment by a “dual” vote – one where both the electors countywide and the electors within the city vote in support of the amendment.

In other, more densely populated areas of the state the transfer of responsibility for service delivery, such as the provision of road patrol services by the Sheriff within municipal boundaries, is becoming more common. However, this has been achieved through the approval

of voluntary interlocal agreements between the county and one or more cities, not charter amendments.

Consolidation of planning services has occurred in Leon County for several years by interlocal agreement between the County and City, with the planning director reporting to both the City Manager and County Administrator. The provision of fire/EMS services is now also effectively consolidated.

Consolidation of other services could also be accomplished by interlocal agreement. Alternatively, an amendment transferring responsibility for a program or function of the city to the county could also be proposed by charter amendment.

Such amendments must be approved by the dual vote of the electorate as mentioned above and also by resolution of the two governing bodies. Provisions for funding the newly consolidated program must be considered, perhaps including the establishment of a special taxing unit in the case of consolidation of law enforcement services.

Countywide Environmental or Stormwater Policy

In non-charter counties, most ordinances of the County Commission are not effective within a municipality to the extent of a conflict with the city's ordinance. In charter counties, the charter must specify which ordinance prevails in the event of a conflict in policy; however, the Leon charter currently provides that municipal ordinances prevail within city limits.

About half of the 20 county charters contain at least some provisions that authorize the County Commission to set certain policy standards on a countywide basis. Such provisions recognize the regional nature of county government and that there may be certain areas of policy that should have minimal standards applied throughout the entire county geographic area.

Generally, municipal ordinances on similar subjects are permitted so long as they set more stringent standards than that of the county. However, standards within the city could not be lower than that of the county policy. A spreadsheet is attached that summarizes the policies in this area as contained in the other county charters.

The most common policy area where the county is authorized to adopt minimal standards is that of environmental protection. However, note that most charter counties where the electorate has adopted such provisions are the larger jurisdictions with a multiplicity of municipal governments.

A single, countywide vote of the electorate is required to adopt a charter amendment that authorizes the County Commission to adopt ordinances setting minimal standards countywide for a specific program area.

The subject specifically identified for the consideration of the CRC is standards for stormwater runoff. A charter amendment could be considered that would authorize the County Commission to adopt an ordinance setting minimal standards concerning the retention of stormwater runoff. Such ordinance would be effective countywide.

Constitutional Officers/Charter Officers

The CRC has previously been provided with information concerning the duties and responsibilities of the county constitutional officers. The CRC has also heard from each of the County Constitutional Officers and all have requested that their current status as an independent, county constitutional officer be retained.

Other than making provisions for an Audit Committee and requiring that the Supervisor of Elections is elected on a non-partisan basis, the Leon charter makes no other changes to the duties or responsibilities of the constitutional officers.

To assist in your decision-making process, a brief summary of the practices in the other similar county charters where revisions have been made is as follows:

1. Broward – The charter has abolished the Tax Collector and the duties of the Clerk as relates to the County Commission for accounting, finance and audit. The charter calls for an Internal Auditor to be hired by the Commission. The remaining duties of the abolished offices are transferred to a department of finance under the County Administrator. The other Constitutional Officers' positions are not changed, although the charter specifically encourages the use of centralized support systems by the Constitutional Officers.
2. Charlotte – The charter has left the duties of the offices unchanged but does have a residency requirement for all elected county officials.
3. Clay – The Clay charter has abolished the Clerk's responsibilities for accounting and finance and transferred them to the Administrator. The responsibility for audit has been transferred to an appointed charter officer hired directly by the Commission. Also, the Constitutional Officers are made subject to recall.
4. Columbia – All officers are elected on a non-partisan basis. All are subject to recall. An old special act provision providing for an elected County Attorney is retained in the charter.

5. Orange – The Orange charter has transferred the responsibility for accounting, audit and finance to an elected Comptroller, although this policy was originally established by a special act which was carried forward in the charter. The charter was later amended to specifically authorize and require the Comptroller to conduct audits of the other elected constitutional offices. The County Commission is specifically authorized and required to conduct audits of the Comptroller.
6. Osceola – The Osceola charter has left each of the Constitutional Officers' positions unchanged except for the Clerk. Those duties for finance and accounting have been transferred to the County Administrator's office. A position of County (Internal) Auditor has been created that reports directly to the County Commission.
7. Polk – The Polk charter has left all duties unchanged but makes all officers subject to recall and elected on a non-partisan basis.
8. Volusia - The Volusia County charter has abolished all of the constitutional offices and transferred some of those duties to appointed positions and other duties to elected charter offices. The duties of the Clerk relating to finance and all duties of the Tax Collector are transferred to the Finance Department, which is located under the County Manager's office. The Sheriff, Property Appraiser and Supervisor of Election are now a elected charter officers.

Decision Options and Arguments

The charter can leave the current system untouched or make several different types of changes to one or more of any of the offices. Basic arguments are presented below.

1. Persons supporting the current system generally make the following arguments:
 - a. The Constitutional Officers' duties are mandated by state law and those duties must be carried out no matter what form of government exists in the county.
 - b. Maintaining complete independence of those offices insures a system of "checks and balances."
 - c. The current system permits the offices to focus exclusively on the duties mandated by state law without undue influence from the legislative body of the county. Because the people directly elect them, constitutional officials are more responsive to the electorate than are appointed officers.
 - d. The offices provide many services to other jurisdictions in addition to the county government and should therefore be independent of the county legislative body.

2. Persons supporting revisions to the current system generally make the following arguments:

- a. Abolishing the constitutional status allows a more efficient, uniform set of administrative support policies (budget, personnel, purchasing, etc.) to be implemented.
- b. The entity imposing the taxes to fund a program should have ultimate control over the expenditure thereof.

If the decision is to abolish an office and transfer its responsibilities to another office, there are two options. One is to transfer the responsibilities to an appointed position and the other is to transfer duties to an elected charter officer.

Note that all constitutional offices need not be treated in the same manner by the charter. Some can be left as independent "constitutional" offices, the responsibilities of others transferred to an appointed position or still others transferred to an elected charter office.

attachment

Table 1. City and County Stormwater Facility Design Standards. March 2, 2007

Design Standards	Leon County Land Development Code [Sec. 10-190¹]	City of Tallahassee Development Standards [Sec. 5-86]	Comments
<i>Wet detention</i>	Minimum treatment volume = runoff from the first three inches of rainfall (or optionally, the first 1.5 inches of runoff for sites with drainage areas less than 100 acres). Top 1/2 of treatment volume must be discharged in 60 hours. Bottom 1/2 of the treatment volume must be discharged in 60 hours or more.	Minimum treatment volume = runoff from the first three inches of rainfall (or optionally, the first 1.5 inches of runoff for sites with drainage areas less than 100 acres). No more than 1/2 of the volume may be discharged in the first 60 hours.	Volume and recovery similar between City and County.
<i>Off-line Retention</i>	Off-line retention treatment volume shall be 50 percent of the runoff from the first 3.0 inches of rainfall, or as an option for sites with drainage areas less than 100 acres, the first 0.75 inch of runoff. The treatment volume shall again be available within 72 hours following a storm event	Off-line retention treatment volume shall be at least the first 0.75 inch of runoff. The treatment volume shall again be available within 72 hours following a storm event.	Volume and recovery similar between City and County.
<i>On-line Retention</i>	For on-line retention or detention with underdrained filtration, treatment volume shall be equal to 75 percent of the runoff from the first 3.0 inches of rainfall, or as an option for sites with drainage areas less than 100 acres, the first 1.125 inches of runoff. Recovery of the treatment volume must be within 36 hours.	For on-line retention, or detention with under-drain filtration, the treatment volume shall be at least the first 1.125 inches of runoff. Retention basins shall again provide the capacity for the required treatment volume of stormwater within 72 hours following the storm event. Detention basins with filtration systems shall again provide the capacity for the specified treatment volume of stormwater within 72 hours following a storm event.	Volume similar between City and County for sites less than 100 acres. Recovery periods are different.
<i>Other</i>	Swale treatment volume [e.g., roads] shall be percolation of 80 percent of runoff from a three-year, one-hour (2.6 inches) storm event. Recovery of the treatment volume must be within 72 hours.	If site constraints require another method of water quality treatment, such other method may be approved by the director if it provides treatment of at least the first 1.125 inches of runoff.	Similar between City and County.
<i>Closed Basins (Volume Control)</i>	Runoff volumes in excess of the pre-development runoff volume shall be retained in a retention pond for all storm events up to a 100-year, 24-hour duration storm. One-half the required pond volume shall be recovered within 7 days, and the full volume shall be recovered within 30 days.	Runoff volumes within regulated closed basins in excess of the predevelopment runoff volume shall be retained for all storm events up to a 100-year, 24-hour duration storm, except: (a) regulated closed basins that "overflow" or "pop-off" shall provide volume control for all 24-hour duration storm events up to the frequency of the storm that naturally over-flows the basin, or (b) if multiple development sites are located within the closed basin, said excess volume may be discharged to an approved regional retention facility located within the closed basin.	Retention volumes are similar between City and County. Recovery periods are different. The City requires that the pond recover within 90 hours. The County requires that one-half the required pond volume shall be recovered within 7 days, and the full volume shall be recovered within 30 days.
<i>Rate Control</i>	Peak post-development stormwater discharge rates shall not exceed the peak pre-development rates for all duration storms with return period frequency of up to and including the 25-year storm period. Further downstream analysis or restriction to the 2-year predevelopment rate for all storm events up to and including the 25-year storm period may be required.	On-site peak post-development stormwater discharge rates shall not exceed the peak predevelopment discharge rates for all critical duration storms with return period frequency of up to and including the 25-year storm period. No off-site increases in rate or changes in course substantially different from predevelopment conditions. No increases in the discharge rate at which stormwater leaves a site allowed, unless such discharge is into an approved master facility. In closed basins, increases in the volume of stormwater leaving a site shall not be allowed, unless such discharge is into an approved master facility.	Similar between City and County.
<i>Bradfordville Study Area</i>	A volume of runoff calculated as four inches times the total impervious area on a site must be retained in a retention facility. Recovery of this treatment volume must be within 72 hours.		There is disagreement between City and County staff as to whether this standard provides sufficient flood attenuation based on volume and recovery requirements .
<i>Lake Jackson Drainage Basin</i>	Non-single family residential uses require the retention of post-development stormwater on-site for all storm events up to and including the 50-year, 24-hour duration storm. One-half the volume must be recovered within 7 days, and the full volume within 30 days.		50-year storm is a very high, somewhat arbitrary standard, and can result in very large facilities. Reportedly drives developers to prematurely annex into city to avoid building to this standard.

¹ These standards are applied only by the County for the Lake Jackson, Bradford Brook Chain-of-Lakes, Fred George, Lake McBride, Lake Lafayette, and Lake Iamonia watersheds. All other areas are to meet at a minimum F.A.C. chs. 62-4, 62-302, 62-520, 62-522, 62-550, and 62-25.

Charter Counties - Countywide Policy

<i>County</i>	<i>Population 2008</i>	<i>Number Cities</i>	<i>Countywide Authority?</i>	<i>Policy Area</i>
Alachua	252,388	9	yes	environmental protection if more stringent than that of municipality
Brevard	556,213	16	no	
Broward	1,758,494	31	yes	land use planning; minimum standards for protecting environment
Charlotte	165,781	1	yes	impact fees for county facilities required by new development; countywide comprehensive plan or countywide land development regulations
Clay	185,168	4	no	
Columbia	66,121	2	yes	Minimum countywide standards for regulating adult entertainment; environmental protection; outdoor burning; animal control; hours of sale of alcoholic beverages; firearms and weapons; and, Protection of LOS standards for County-maintained roads

<i>County</i>	<i>Population 2008</i>	<i>Number Cities</i>	<i>Countywide Authority?</i>	<i>Policy Area</i>
Duval	904,971	5	yes	(consolidated government)
Hillsborough	1,200,541	3	yes	EPC
Lee	623,725	5	no	
Leon	274,892	1	no	
Miami-Dade	2,477,289	35	yes	(metropolitan government)
Orange	1,114,979	13	yes	minimum standards for regulating adult entertainment and protecting the environment
Osceola	273,709	2	no	

<i>County</i>	<i>Population 2008</i>	<i>Number Cities</i>	<i>Countywide Authority?</i>	<i>Policy Area</i>
Palm Beach	1,294,654	38	yes	protection of wells and wellfields; impact fees for schools, county parks, solid waste disposal, law enforcement, county roads.
Pinellas	938,461	24	yes	
Polk	585,733	17	no	
Sarasota	393,608	4	no	
Seminole	426,413	7	yes	planning
Volusia	510,750	17	yes	growth management commission; minimum standards for protection of environment; beach access and unified beach code
Wakulla	30,717	2	no	

IX. (2): Staff/Consultant Discussion
a. Identification of Additional Charter Issues



MEMORANDUM

TO: Leon County Charter Review Committee

FROM: Kurt Spitzer

DATE: January 4, 2010

RE: January 7th Meeting – Miscellaneous Issues

The purpose of this Memorandum is to highlight policies within the Charter that the Charter Review Committee (CRC) may wish to examine but have not yet been identified for discussion. They are presented below in the order that they appear in the Charter.

1. Section 2.3 Executive Branch

The Leon Charter adopts the Commission-Administrator form of government, with legislative responsibilities vested in the elected County Commission and executive responsibilities assigned to the County Administrator, who is hired/fired based on professional qualifications. The County Administrator is the chief executive officer of the county and is responsible for the day-to-day operation of the county and discharging the policies of the County Commission. This basic form of government is common in most medium to large cities and counties in Florida and the nation.

Critical to the operation of the Commission-Administrator form of government is a clear separation of duties and responsibilities between the legislative and executive branches of the county. The County Commission's responsibilities should be limited to setting policy, while leaving the operation of the county to the Administrator.

There are two policies that further the concept of separation of powers that are common in most charters but do not exist in the Leon charter. Sample language for both policies is attached.

- ♦ Non-interference clause – Non-interference policies bar individual members of the County Commission from giving instructions to the Administrator or to personnel who

report to the Administrator, furthering the policy that the Commission sets legislative policy but the Administrator remains responsible for implementation of policy and management of staff.

- ♦ Termination Policy – Less common than a non-interference clause but frequently occurring in other charters are policies designed to ensure strong support for the employment or termination of the County Administrator through the use of an extraordinary process to hire or fire the Administrator.

Problems arising from the lack of such policies in the charter may or may not have previously occurred in Leon County. The CRC may wish to address the topic proactively because if a “problem” does arise, addressing the issue via a charter amendment will not be timely. Further, the lack of such provisions may be a concern for future candidates for County Administrator once current staff leaves employment.

2. Section 5.2(1) Charter Amendments Proposed by Petition

The charter provides for a procedure by which charter amendments may be proposed by petition of the electorate. The procedure used for charter amendments references the process embedded in Section 4.1 relating to ordinances proposed by petition, which includes a list of subject matter that an ordinance proposed by petition is prohibited from addressing. Such a list of prohibited subjects is common in the petition processes in most charters. Language could be added to Section 5.2(1) to specifically identify the list of prohibited subjects for charter amendments proposed by petition. Alternatively, Section 4.1(4) could be revised so as to also apply to charter amendments.

3. Section 5.2(2) Charter Review Advisory Committee

The charter provides for the appointment of a CRC every eight years. Several revisions could be considered to this subsection, including:

- ♦ The timing of the start of the next CRC could be adjusted sooner or later so that its recommendations will appear on a Presidential election ballot (when voter turnout is typically higher) and thereafter resume the normal eight-year cycle.
- ♦ The Leon CRC is advisory to the Board of County Commissioners. Most other charters provide that the CRC is independent, with recommendations being presented directly to

Leon CRC
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the voters for their consideration. Such policies help to ensure that there is a more independent review of the county "constitution." Making the CRC independent could be paired with a voting policy embedded in the charter designed to guarantee strong support for measures approved by the CRC for the consideration of the electorate. Numerous options exist. Sample language is attached.

- ♦ Eligibility for membership on the CRC could be addressed. It is common that charters contain policies that attempt to ensure an independent review of the charter and therefore bar certain persons from being appointed to a CRC, such as elected officials and staff of local government. Sample language is attached.

Miscellaneous Issues

Example Policies

County Administrator – sample employment/termination policy

The County Administrator shall be appointed by the affirmative vote of five (5) members of the Board of County Commissioners, who shall serve until such time as the County Administrator shall be removed either by a vote for removal of four (4) members of the board of county commissioners voting for removal in two (2) consecutive, regularly scheduled meetings of the board, or by a vote for removal of five (5) members of the board of county commissioners at any one meeting of the board.

County Administrator – sample non-interference clause

Except for the purpose of inquiry and information, members of the Board of County Commissioners are expressly prohibited from interfering with the performance of the duties of any employee of the county government who is under the direct or indirect supervision of the County Administrator by giving said employees instructions or directives. Such action shall be malfeasance within the meaning of Article IV, Section 7(a) of the Florida Constitution. However, nothing contained herein shall prevent a County Commissioner from discussing any county policy or program with a citizen or referring a citizen complaint or request for information to the County Administrator or County Attorney.

Charter Review Commission – sample language

Not later than July 1 of the year _____ and of every eighth year thereafter, the Board of County Commissioners shall appoint a Charter Review Commission to review the Charter of the county. The Charter Review Commission shall consist of 15 electors of the County and shall be funded by the Board of County Commissioners pursuant to a budget set by said Board. Elected officials and their employees, and employees of local governments in Leon County shall be prohibited from serving on the Charter Review Commission. The Charter Review Commission shall, within one (1) year from the date of its first meeting, present to the Board of County Commissioners its recommendations for amendment, revision or repeal of the Charter or its recommendation that no amendment, revision or repeal is appropriate. If amendment, revision or repeal of the charter is to be recommended, the Charter Review Commission shall conduct at least two (2) public hearings, at intervals of not less than ten (10) nor more than twenty (20) days, immediately prior to the transmittal of its recommendations to the Board of County

Commissioners. Such recommendations shall be approved by an affirmative vote of not less than ten (10) members of the Charter Review Commission. The Board of County Commissioners shall schedule a referendum on the proposed charter amendments, revisions or repeal concurrent with the next general election. After adoption of its recommendations, the Charter Review Commission may remain in existence until the general election for purposes of conducting and supervising public educational programs concerning the proposed amendments, revisions or repeal.

IX. (3): Member Discussion

X.

**ADJOURNMENT WITH DAY FIXED FOR
NEXT MEETING**